PLAN CONFORMANCE AND CATEGORICAL EXCLUSION DETERMINATION
Categorical Exclusion 516 DM2, Appendix 1, 1.12

Project Name: Castle Rock Fuels Reduction Project **CX Log #**: OR-030-04-02
BLM Office: Vale District
County: Malheur County, Oregon **Location:** see attached map

DESCRIPTION OF THE PROPOSED ACTION (Including Purpose and Need)

The project, located in the Castle Rock area (see attached map), would consist of approximately 850 acres. The treatment area is within the Castle Rock Area of Critical Environmental Concern (ACEC). The Southeastern Oregon Resource Management Plan (SEORMP, 2002) identified scenic, cultural, historic and wildlife values as the relevant and important resources within the ACEC. Long time fire exclusion has resulted in an unnatural increase in ladder and small diameter fuels. The purpose of the Castle Rock Fuels Project is to reduce fuel loads that currently pose a high risk of uncharacteristic, high severity, stand replacement wildfire that would negatively impact the relevant and important resource values. Proposed treatment, primarily by a series of low intensity prescribed fires, would re-introduce the natural role of fire into the ecosystem and maintain or enhance the ACEC relevant and important values by reducing the probability of a uncharacteristic, high intensity, stand replacing wildfire. Treatment would not take place within the Castle Rock Wilderness Study Area (WSA, 3-18). Treatments would be designed to not adversely impact the WSA or visual resources. Pretreatment and implementation is planned to take place starting in the spring of 2004.

Forest stands within the proposed project area are variable, ranging from open ponderosa pine stands to dense Douglas fir stands. Most of the forested stands in the area suffer from insect and disease-related tree mortality. Historically, wildfire acted as a natural thinning agent within this area. The removal of fire as an ecosystem maintenance component has resulted in the accumulation of large quantities of woody fuels. This fuel, much of which is ladder fuel, is comprised both of dead trees and dense understory vegetation. These dense stand conditions, as well as the presence of large quantities of dead wood, have reduced stand vigor, dramatically increased susceptibility to disease and insect infestation, and significantly raised the potential for a high intensity, uncontrollable crown fire.

If a wildfire were to start during a period of high temperatures and low humidity, the heavy concentration of accumulated fuels would most likely result in a stand replacement fire. This type of wildfire would kill most of the conifer trees as well as large stands of mountain mohagany, bitterbrush, and sagebrush. The value of the scenic, cultural, historic and wildlife resources would be greatly diminished.

The Castle Rock area contains approximately 1350 acres of conifer forest stands. Recent fuels inventory and analysis support the need for hazardous fuels reduction treatments to reduce the forest stands current susceptibility to high severity stand replacement fires. The majority of the project area is represented by Ponderosa Pine forest. Numerous old growth Ponderosa Pine are scattered throughout the stands. Mixed conifer and fir is prevalent on the north aspects. The historic fire regime within the project area is generally classified as a Fire Regime 1, which is reflective of a 0 to 35 year, low severity, fire return interval. The current fire condition class within the project area is reflective of condition class 2 and 3. Condition class 2 sites have missed two or more disturbance cycles and require restoration burning and possible mechanical entries to achieve a desired future condition. Condition class 3 sites have also missed 2 or more disturbance cycles but require a first entry mechanical treatment prior to any prescribed fire applications. The Ponderosa Pine dominated stands, which account for 850 acres will be the focus of fuels management activities. These drier pine stands are more susceptible to stand replacement fire than are the north slope, fir dominated stands. Therefore, initial fuel reduction activities would be conducted in the pine dominated stands (850 of the 1350 acres of conifer forest stands).

Approximately 30 percent (250 acres) of the Ponderosa Pine stands are reflective of condition class 2. Condition class 2 is best represented by fuel model #9 (Aids to Determining Fuel Models For Estimating Fire Behavior by Anderson 1982). Total dead woody fuel loadings average approximately 17 tons per acre. Approximately 70 percent (600 acres) of the Ponderosa Pine stands are reflective of condition class 3. Condition class 3 is best represented by fuel model #10 where total dead woody fuel loadings often exceed 30 tons per acre.

The objective is to reduce current fuel loads down to a desired future condition of condition class 1 which is best

represented by fuel model #8. The total dead woody fuel loadings for fuel model #8 average less than 10 tons per acre. Under these conditions fires within the project area would be less severe and more manageable by initial attack fire suppression resources. The Behave, Fuel Model and Fire Behavior Prediction System reflects an 80 percent reduction in expected fire behavior (flame length) between a fuel model #10 and fuel model #8 and predicts a 65 percent reduction in expected fire behavior between fuel model #9 and fuel model #8.

The forested stands were recently inventoried for cultural, historic, wildlife values and for fuel loading. The project area has been divided into 15 units. Each unit would receive site specific treatments to maintain or enhance the visual, cultural, historic and wildlife values identified. Fuels Management and Resource Area staff would jointly identify resource and fuels objectives and utilize a combination of fuel treatment activities, involving multiple entries to get stands to the desired future condition. Methods include handfelling with chainsaws of heavy pockets of small diameter ladder fuels (up to 6 inch dbh), handpiling of slash with some lop and scattering where slash is light. Handpiles would be burned in late fall thru early spring. Jackpot burning would be conducted in late fall, winter or early spring to reduce heavy concentrations of woody debris on the forest floor. Protecting old growth Ponderosa Pine and other wildlife habitat features would be a high priority. If needed, heavy concentrations of needle cast and duff would be raked away from individual trees to prevent damage. Broadcast underburning would be implemented during the spring or fall. Spring underburning would be the preferred method as spring greenup outside burn units serve as excellent natural control boundaries. All units would be considered for future maintenance burning to maintain fuel loadings at more natural desired levels and reduce the re-establishment of understory ladder fuels consistent with the relevant and important values. First entry treatment would generally be a jackpot burn to reduce concentration of dead and down woody debris followed by second entry handfelling of small diameter ladder fuels and handpiling followed with a third entry broadcast underburn.

Approximately 20 percent of the 850 acres within the units contain pockets that would not be treated due to terrain and other considerations and would be untreated leave areas. On the 80 percent of the 850 acres that will be treated, only small diameter ladder fuels would be handfelled where necessary to allow for safe, low intensity, underburning. Large diameter snags and down logs would not be felled or removed and would not be totally consumed by low intensity underburning. If necessary for recovery and protection from ungulates, aspen pockets that are treated within the units would be fenced. Fencing or other protective actions necessary to protect burned units from livestock grazing would be designed in conjunction with livestock operators on a case by case basis. Site specific burn plans would have to be approved by the Vale District Fire Management Officer and the Malheur Resource Area Field Manager.

Anticipated treatments by unit are as follows:

Unit #1 (23 acres) –. First entry would be a jackpot burn. Second entry would be handfelling and handpiling of ladder fuels adjacent to old growth Ponderosa Pines. Third entry would be a broadcast underburn to reduce ground fuels down to desired conditions.

Unit #2 (22 acres) – First entry would be a jackpot burn. Second entry would be handfelling and handpiling of ladder fuels adjacent to old growth Ponderosa Pines. Third entry would be a broadcast underburn to reduce ground fuels down to desired conditions.

Unit #3 (44 acres) **–** First entry would be a jackpot burn. Second entry would be a broadcast underburn to reduce ground fuels down to desired conditions.

Unit #4 (103 acres) – First entry would be a jackpot burn. Second entry would be handfelling and handpiling of ladder fuels adjacent to old growth Ponderosa Pines. Third entry would be a broadcast underburn to reduce ground fuels down to desired conditions.

Unit #5 (17 acres) **–** First entry would be handfelling and handpiling of ladder fuels adjacent to old growth Ponderosa Pines. Second entry would be a broadcast underburn to reduce ground fuels down to desired conditions.

Unit #6 (116 acres) –First entry would be a broadcast underburn. Limited access to this unit would make handfelling and piling extremely time consuming and expensive. This unit would not be treated if it is determined that broadcast underburning can not be accomplished safely without pretreatment.

Unit #7 (198 acres) – First entry would be a jackpot burn. Second entry would be handfelling and handpiling of ladder fuels adjacent to old growth Ponderosa Pines. Third entry would be a broadcast underburn to reduce ground fuels down to desired conditions.

Unit #8 (20 acres) – First entry would be handfelling and handpiling of ladder fuels adjacent to old growth Ponderosa Pines. Second entry would be a broadcast underburn to reduce ground fuels down to desired conditions.

Unit #9 (90 acres) – First entry would be a jackpot burn. Second entry would be handfelling and handpiling of ladder fuels adjacent to old growth Ponderosa Pines. Third entry would be a broadcast underburn to reduce ground fuels down to desired conditions.

Unit #10 (21 acres) – First entry would be a jackpot burn. Second entry would be a broadcast underburn to reduce ground fuels down to desired conditions.

Unit #11 (22 acres) – First entry would be a jackpot burn. Second entry would be a broadcast underburn to reduce ground fuels down to desired conditions.

Unit #12 (56 acres) – First entry would be a jackpot burn. Second entry would be handfelling and handpiling of ladder fuels adjacent to old growth Ponderosa Pines. Third entry would be a broadcast underburn to reduce ground fuels down to desired conditions.

Unit #13 (66 acres) - First entry would be a jackpot burn. Second entry would be handfelling and handpiling of ladder fuels adjacent to old growth Ponderosa Pines. Third entry would be a broadcast underburn to reduce ground fuels down to desired conditions.

Unit #14 (43 acres) – First entry would be handfelling and handpiling of ladder fuels adjacent to old growth Ponderosa Pines. Second entry would be a broadcast underburn to reduce ground fuels down to desired conditions.

Unit #15 (12 acres) - First entry would be handfelling and handpiling of ladder fuels adjacent to old growth Ponderosa Pines. Second entry would be a broadcast underburn to reduce ground fuels down to desired conditions.

Design Features

Access- Existing roads would be used for all implementation activities. No new roads would be constructed. Within the ACEC, vehicle use would be limited to designated existing routes. Any vehicle ways that might be established would be rehabilitated at the end of each treatment.

Avoidance of sensitive species habitat – Surveys for sensitive species and key habitat features (blow downs, small thickets of young conifers, mountain mahogany stands etc.) would be conducted prior to treatment. If northern goshawk or other sensitive wildlife, wildlife habitat or plant species are found in the project area, treatments would be scheduled and/or modified to avoid or minimize adverse impacts to these species and their habitat. Modifications would include untreated leave areas, buffers or modification to treatment timeframes.

Thinning\handfelling – Small diameter understory trees would be manually felled with chainsaws and hand-piled or scattered in place. Thinning would consist of selectively cutting small diameter trees (less than 6" dbh) and retaining larger trees. Thinning would only be done to the extent necessary to allow low intensity underburning to be done in a safe manner consistent with the relevant and important resources.

Prescribed Burning - All burning would be done in accordance with resource objectives specific to individual sites and documented in burn plans written prior to burning. Protecting old growth Ponderosa Pine, snags and large diameter down logs would be a high priority. If needed, heavy concentrations of needle cast and duff would be raked away from individual trees and down logs to prevent damage. Burn plans would have to be approved by the Vale District Fire Management Officer and the Malheur Resource Area Field Manager. Objectives include; fuels reduction, re-introducing fire into the

ecosystem, enhancement of nutrient recycling and soil microflora, and improved growth of shrub and herbaceous understory plants. Burn plans would comply with the parameters and the standard design features of the Southeastern Oregon Resource Management Plan. All units planned for light intensity underburning may require the construction of temporary perimeter fire lines a minimum of 3 feet wide down to mineral soil to prevent fire spread outside of units. Any temporary lines would be stabilized and rehabilitated at the conclusion of each treatment. Existing road systems and natural fuel breaks would be used as control lines where available.

The BLM would comply with a voluntary smoke management plan which would reduce the probability of prescribed burning contributing to the non-attainment of air quality standards during the critical time period of late fall and winter.

Noxious Weeds – Yearly, prior to implementation, activities would be coordinated with the resource area weed specialist to identify site specific actions (i.e. vehicle washing, areas to avoid vehicle parking etc.) necessary to avoid spread of noxious weeds.

Cultural resources - A Cultural resource survey of the 15 parcels identified in this project was conducted between August-October, 2003. The survey covered 631of the 850 acres proposed for treatment. The cultural resource properties located during the survey are large prehistoric lithic scatter/campsites and will be avoided by surface disturbing activities.

Consultation and coordination meetings for this project were conducted with the Burns Paiute Tribal Council to discuss the proposed project and desired results. The area in which this project is to be conducted is located within the boundaries of the Malheur Indian Reservation and is considered a special area for the Burns Paiute People.

PLAN CONFORMANCE

The proposed project has been reviewed and found to be in conformance with one or more of the following BLM plans or programmatic environmental analyses:

Vegetation Treatment on BLM Lands in Thirteen Western States FEIS and ROD (1991), Vale District Fire Management Plan (1998), Wildland and Prescribed Fire Management Policy (1998), Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the States of Oregon and Washington (1997), and Standards for Land Health for Lands Administered by the Bureau of Land Management in the States of Oregon and Washington (1998). The proposed project is also is in conformance with the management direction in the Southeastern Oregon Management Resource Management Plan and Record of Decision (2002) and the Castle Rock Habitat Management Plan (1982).

COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

The proposed action is categorically excluded from further analysis or documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM2, Appendix 1, 1.12. The application of this categorical exclusion for the removal of hazardous fuels, is appropriate, as there are no extra ordinary circumstances potentially having effects which may significantly affect the environment. The proposed action would not create adverse environmental effects or trigger an exception. None of the following exceptions apply. (The exceptions mentioned below are contained in 516 DM 2, Appendix 2) The proposed action would:

Yes	No	Exception
( )	(X)	1. Have significant adverse effects on public health or safety.
( )	(X)	2. Have significant, adverse effects on unique geographic characteristics or features, or on special designation areas such as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; sole or principal drinking water aquifers; or prime farmlands. This also includes ecologically significant or critical areas, such as significant caves, ACECs, National Monuments, WSAs, RNAs, and those listed on the National Register of Natural Landmarks.

( ) (X) 3. Have highly controversial environmental effects (40 CFR 1508.14).

( ) (X) 4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.

( ) (X) 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

( ) (X) 6. Be directly related to other actions with individually insignificant, but significant cumulative environmental effects. This includes connected actions on private lands (40 CFR 1508.7 and 1508.25(a)).

( ) (X) 7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places. This includes Native American religious or cultural sites, archaeological sites, or historic properties.

( ) (X) 8. Have significant adverse effects on species listed or proposed to be listed as Federally Endangered or Threatened Species, or have adverse effects on designated critical habitat for these species. This includes impacts on BLM-designated sensitive species or their habitat. When a Federally listed species or its habitat is encountered, a Biological Evaluation (BE) shall document the effect on the species. The responsible official may proceed with the proposed action without preparing a NEPA document when the BE demonstrates either 1) a "no effect" determination or 2) a "may effect, not likely to adversely effect" determination.

( ) (X) 9. Fail to comply with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act (water resource development projects only).

( ) (X) 10. Violate a Federal, State, Local, or Tribal law, regulation or policy imposed for the protection of the environment, where non-Federal requirements are consistent with Federal requirements.

( ) (X) 11. Involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E)) not already decided in an approved land use plan.

( ) (X) 12. Have a disproportionate significant adverse impacts on low income or minority populations; Executive Order 12898 (Environmental Justice).

( ) (X) 13. Restrict access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites; Executive Order 13007 (Indian Sacred Sites).

( ) (X) 14. Have significant adverse effect on Indian Trust Resources.

( ) (X) 15. Contribute to the introduction, existence, or spread of: Federally listed noxious weeds (Federal Noxious Weed Control Act); or invasive non-native species; Executive Order 13112 (Invasive Species).

( ) (X) 16. Have a direct or indirect adverse impact on energy development, production, supply, and/or distribution; Executive Order 13212 (Actions to Expedite Energy-Related Projects). Note: the proposed project would remove a small quantity of woody material that could potentially be used to generate energy in the form of biomass production in the future. However, there is no operating biomass facility within an economically feasible distance currently that could utilize this material, nor is none expected to be constructed in the foreseeable future.

RECOMMENDED MITIGATION

For any item checked "Yes" identify the mitigating measures to be implemented. If not, the conditions for a categorical exclusion cannot be met.

Item No.	Can Be Mitigated	Cannot Be Mitigated	Mitigation Measures

PERSONS AND AGENCIES CONSULTED

The following public and private landowners and interested publics were consulted via personal contacts and letter:

American Fisheries Society
Anthony, Geraldine ,Mark and Dan Joyce
Bureau of Indian Affairs
Bureau of Reclamation
Burns Piaute Tribe
Castle Rock Ranch
Committee for Idaho's High Desert
Confederated Tribes of the Umatilla
Elaine Rees
Grant County Commission
Harney County Court
Harney County Commission
JB White
Jim and Lisa Nutt
Malheur County SWCD
Malheur County Court
Malheur County Judge
Malheur County Commission
Malheur County Planner
Malheur County Environmental Health
Malheur County Grazing Advisory Board
Malheur National Forest
Natural Resources Conservation Service
Oregon Department of Fish and Wildlife
Oregon Natural Desert Association
Oregon Governor's Watershed Enhancement Board
Oregon Environmental Council
Oregon Cattlemen's Association
Philip Kuhl
Robert Kindschy
Scott Warner
The Wilderness Society
Western Watersheds Project
William Butler & Sons
Wright Wilber

DECISION AND RATIONALE

I find the proposed action can be categorically excluded because there were no extraordinary circumstances identified for this proposal. Ground disturbance would be minimal. There would be no adverse impacts to the critical elements of the human environment including; highly erosive soils, cultural and heritage resources, Threatened and Endangered species, wetlands, wild and scenic rivers or wilderness study areas. The use of mechanical equipment would be minimal. In the long term the risk of high intensity, stand replacement wildfire would be reduced due to project implementation. The project would not affect any sensitive, threatened or endangered plant, fish or wildlife species.

I have decided to implement the actions as described above. The proposed action would meet the requirements described in the purpose and need statement and would not create adverse environmental impacts or require the preparation of an environmental assessment (EA) or environmental impact statement (EIS) under 516 DM 2, Appendix 1. The proposed action has been reviewed against the sixteen criteria for an exception to a categorical exclusion (listed above) as identified in 516 DM 2.3 A(3) and other guidance, does not fall under any exception, and is, therefore, categorically excluded from further NEPA documentation. The proposed action and any specified mitigation measure(s) has been determined to be in conformance with existing land use plans and meet the criteria for a categorical exclusion.

IMPLEMENTATION DATE

This project is expected to be initiated in the spring of 2004 and take 3 -5 years to implement.

Tom Dabbs, Malheur Resource Area Field Manager January 15, 2004

Approved By Title Date

ADMINISTRATIVE REVIEW OPPORTUNITY

Parties may appeal for administrative review in accordance with the following procedures.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed in the office of the authorized officer, as noted above, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

Request for Stay

Should you wish to file a petition, pursuant to regulation 43 CFR 4.21, for stay (suspension) of the effectiveness of this decision pending the outcome of an appeal, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for stay is required to show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

CONTACT PERSON

For additional information concerning this project, contact Randy Eyre, Planning Coordinator, 100 Oregon Street, Vale , Oregon 97914 or telephone: 541-473-6279.